



WEB COPY



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/11/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP (MD) . No.20651 of 2022

Ayyasamy

... Petitioner/Accused
Rank Not Known

Vs

State rep.by
The Inspector of Police,
Shencottah Police Station,
Shencottah,
Tenkasi District
(Crime No.306 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Palani Velayutham S, Advocate.

For Respondent : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.306 of 2022 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 467 IPC, in Cr.No.306 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is the Sub Registrar of Panpozhi. On 20.10.2022 at about 02.15 p.m., A1 by impersonation filed a sale deed for registration as if the same was executed by one Ganapathi. On perusal of the documents filed by him, it is found that Aadhaar Card produced by the parties is a fake one. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the petitioner is a typist and he is innocent and only based on the confession statement of the co-accused, he has been arrayed as accused in this case. He would further submit that A2 to A5 were already arrested and released on bail by this Court, dated 15.11.2022 in CrI.O.P.(MD)Nos.20237 and 20224 of 2022. Hence, he seeks for anticipatory bail.

4.The learned Government Advocate (CrI. side) would submit that the accused persons have prepared a forged Aadhaar Card of the deceased Ganapathy and by impersonating him, they attempted to register the sale deed before the de-facto complainant. He would further submit that the petitioner is having two previous cases and the investigation is still pending. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the fact that the co-accused were already arrested and released on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Shencottah, Tenkasi District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/-(Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 am until further orders.

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner shall not abscond either during investigation or trial;

(e)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;



(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

WEB COPY

/ TRUE COPY /

Sd/-
22/11/2022

/12/2022
Sub-Assistant Registrar (C.S.II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

1. THE JUDICIAL MAGISTRATE,
SHENCOTTAH, TENKASI DISTRICT.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
SHENCOTTAH POLICE STATION,
SHENCOTTAH, TENKASI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.PALANI VELAYUTHAM S Advocate SR.No.13575

ORDER
IN
CRL OP(MD) No.20651 of 2022
Date :22/11/2022

SP/BUC/SAR II/05/12/2022/3P/6C